

Serial No. 10/673,290

### **REMARKS**

Claim 3 is pending. Claims 1, 2 and 4-8 have been canceled. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1-3 were rejected under 35 USC 103(a) as being unpatentable over Japanese patent 2000120738 in view of Japanese patent 9112606 and the Journal of Technical Disclosure '790 (The Aishin publication). Claims 1 and 2 have been canceled and will not be discussed. As for claim 3, the applicants respectfully request that this rejection be withdrawn for the following reasons.

Claim 3 has been written in independent form, including the limitations of claim 1 and 2. Further, claim 3 has amended to recite that the friction coefficient of the second friction member is higher than that of the first friction member by at least 0.05. This feature is disclosed on page 18, lines 5-7 of the application. This feature is not shown or suggested by Japanese patent 2000120738, Japanese patent 9112606, or the Aishin publication. Thus, this claim feature cannot be satisfied by a combination of Japanese patent 2000120738, Japanese patent 9112606, and the Aishin publication.


The added claim feature concerning the friction coefficients results in improved braking noise and braking effectiveness. Thus, this is an unobvious feature that patentably distinguishes claim 3 from the prior art combination. Therefore, the applicants respectfully request withdrawal of this rejection.

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In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

  
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